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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,997

06/08/2001

Jay A. Alexander

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1007

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10/03/2005

AGILENT TECHNOLOGIES, INC.

Legal Department, DL429

Intellectual Property Department

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,997

Applicant(s)

ALEXANDER, JAY A.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-65 and 67-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/1/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 58-65, 67-76 rejected under 35 U.S.C. 103(a) as being unpatentable over Pritt 5,689,717, and further in view of Alexander 6,054,984.

1. Claims 58 and 68.

Alexander in fig. 8 illustrates the step of: A method for use in an oscilloscope, the method comprising. Alexander at col. 1, lines 13-14 discloses the step of: receiving a time-varying analog signal, also the step of: sampling the received time-varying analog signal. Alexander in fig. 8 illustrates the step of: displaying a waveform on a graphical user interface based on the sampled time-varying analog signal. Pritt at col. 2, lines 57-59 discloses the step of : displaying on the graphical user interface a first display element representing the function of displaying an

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annotation label. Pritt at col. 10 lines 1-3 discloses the step of: receiving an indication that an operator graphically selected first display element. Pritt in fig. 4 illustrates the step of: displaying, on the graphical user interface, a display region through which the operator can enter wave-form-related data to be displayed in an annotation label. Pritt at col. 11, lines 51-67 discloses the step of: receiving through a user interface said waveform-related data to be displayed in said annotation label, as an industry-standard system that allows programmers to develop graphical user interfaces. In the X Windows system interaction techniques are called "widgets". A typical set of widgets includes a dialog box, file selection box, alert box, help box, list box, message box, radio button bank, radio buttons, choice button bank, choice buttons, toggle button bank, toggle button, fixed menu, pop-up menu, text input, scroll bar and application window. Each of these widgets is normally implemented as a window. In the X Windows system sub windows may also be used. The source code implementation of each widget consists of one or more calls to the X server. Thus when a widget subroutine is executed it causes a sequence of calls or commands or requests to be sent to the X server or window management system. OSF/Motif is an interaction toolkit that works with X windows and is one of a number of similar widget sets available for X Windows. Pritt in fig. 4 illustrates the following step of claim's invention: displaying said annotation label on said graphical user interface in visual association with a desired waveform feature, wherein said waveform-related data is displayed in said annotation label. The primary reference Pritt does not explicitly specify the method and system of the claim invention is used for an oscilloscope, however, the second reference Alexander explicitly illustrates in fig. 8. Thus, it would have been obvious to a person skill in the art to modify the Alexander's invention e.g. fig. 8 that incorporates display of an

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oscilloscope into Pritt's invention in fig. 6 the display item labeled 28. The result would be similar to the current application's invention.

2. Claim 59.

The following step is obvious, "The method of claim 58, wherein said first display element comprises any known display element supported by the graphical user interface". Pritt at col. 12, lines 24-30 discloses examples of such graphical objects include icons, pixmaps, bitmaps, graphical symbols, geometric shapes, windows and widgets.

3. Claim 60.

"The method of claim 58, wherein said first display element comprises an icon", Pritt at col. 12, lines 24-30 discloses examples of such graphical objects include icons, pixmaps, bitmaps, graphical symbols, geometric shapes, windows and widgets.

4. Claim 61.

"The method of claim 58, wherein said first display element comprises a graphical button rendered on a dialog box", The applicant should specify explicitly the first display element, because any graphical object can be considered as a first display element. Pritt at col. 12, lines 24-30 discloses examples of such graphical objects include icons, pixmaps, bitmaps, graphical symbols, geometric shapes, windows and widgets.

5. Claim 62.

The following step is obvious, see rejection of claim 61. "The method of claim 58, wherein said display region through which the operator can enter said data to be displayed in the annotation label is a window",

6. Claim 63.

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The following step is obvious, because Pritt at col. 11, line 41 discloses that Basic elements of the toolkit can include menus, dialog boxes, scroll bars, file selection boxes and of which can be conveniently implemented in windows. The step of the claim: "The method of claim 58, wherein said display region through which the operator can enter said data to be displayed in the annotation label is a dialog box",

7. Claims 64-65.

The following step is obvious, because Pritt at col. 11, lines 54-60 discloses that a typical set of widgets includes a dialog box, file selection box, alert box, help box, list box, message box, radio button bank, radio buttons, choice button bank, choice buttons, toggle button bank, toggle button, fixed menu, pop-up menu, text input, scroll bar and application window. Each of these widgets is normally implemented as a window. At col. 12, lines 23-31 discloses the foregoing paragraphs have described the placement of text blocks. However, the only property of text blocks that is essential for the invention to work is their rectangular shape. Thus, the invention is able to place any graphical object that has a rectangular shape or that can be bounded by a rectangle.

Examples of such graphical objects include icons, pixmaps, bitmaps, graphical symbols, geometric shapes, windows and widgets.

8. Claim 67.

See rejection of claim 58. "The method of claim 58, further comprising: displaying a second display element on the graphical user interface indicating that the operator has the opportunity to alter the manner in which the annotation label is rendered; receiving an indication that the operator has selected said second display element; displaying, in response to said indication that the operator has selected said second display element, a rendering options display window on the

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graphical user interface through which the operator can enter rendering control information for the annotation label; receiving operator inputs applied to said rendering options display window; and displaying said annotation label in accordance with said operator inputs to said rendering options display window”,

9. Claim 69

The rejection of claim 58 applies to the rejection of claim 69.

10. Claims 70-73, 74-76.

The rejection of claim 58 applies to the rejection of claims 70-72 and 74-76. Regarding claim 73, Pritt at col. 4, lines 65-67 discloses that other input devices such as other pointing devices or voice sensors or image sensors may also be attached.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFERY BRIER
PRIMARY EXAMINER

Javid A Amini
Examiner
Art Unit 2672

Javid Amini